

REMARKS

Claims 13, 15-22, and 27-28 are pending in this application. Reconsideration in view of the following remarks is respectfully requested.

I. PRIOR ART REJECTIONS - 35 U.S.C. §102

A. CLAIMS 13, 16, 17, 19, AND 28 ARE PATENTABLE OVER MOSER

The Office Action rejected claims 13, 16, 17, 19, and 28 under 35 U.S.C. §102(b) as being anticipated by Moser (U.S. Patent No. 4,196,817, hereinafter “Moser”). The Applicant traverses the rejection because Moser fails to teach or suggest all of the features recited in the rejected claims.

For example, Moser fails to teach or suggest at least a hydration system, comprising “a flexible pouch including a plurality of layers, wherein said plurality of layers are all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment for being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption” (emphasis added), as recited in amended claim 13.

In contrast, Moser merely discloses a beverage container that includes a heat insulating outer envelope or jacket of a generally rectangular shape having an upper reclosable seam and a separate, unattached squeeze bottle that fits within the heat insulating outer jacket and acts as the actual beverage container.

The heat insulating outer jacket consists of an exterior covering made of a decorative outer sheet or cover and a moisture or waterproof inner lining. A layer of insulation (such as fiberglass batting, flexible foam products, or other known flexible insulators) is sandwiched between the decorative outer sheet and the waterproof inner lining. The three pieces, exterior cover, inner lining, and intermediate layer are joined together at the upper edge to function as a reclosable bag. (See Col. 2, lines 4-6 and Col. 3, lines 1-9 of Moser)

A reclosable seam is located at the upper end of the heat insulating outer jacket and may be selectively opened or closed by means of Velcro to receive a beverage containing bottle and ice therethrough. (See Col. 1, lines 37-64 and Fig. 2 of Moser)

A separate, unattached squeeze bottle acts as the actual beverage container of Moser. When the parts of the Moser beverage container are assembled, an elongated, flexible straw

extends from within the bottle, through the cap of the squeeze bottle and outwardly through the seam of the container jacket. (See Col. 1, lines 37-64 and Fig. 2 of Moser)

Utilizing the beverage container of Moser, if a beverage is to be kept cold, the beverage must first be put in a separate bottle, the bottle must be placed within the jacket, and ice must be placed within the jacket, between the jacket and the bottle. (See Col. 2, lines 49-50 and Fig. 1 of Moser) Once the bottle and ice are within the jacket, the reclosable seam is closed, allowing the straw to extend through the reclosable seam.

Unfortunately, the reclosable seam “is not capable of being completely airtight”, but only prevents excessive loss of thermal effects. (See Col. 3, lines 9-15 of Moser) As a result, as the ice within the jacket (between the jacket and the bottle) melts, the resulting liquid can leak from the reclosable seam of the Moser beverage container.

Thus, as disclosed in Moser, the exterior cover, inner lining, intermediate layer, and the bottle are not “all joined together to form an inner compartment and at least one outer compartment”, but form separate and distinct elements, a reclosable bag and a bottle.

Therefore, Moser actually teaches away from a hydration system, comprising “a flexible pouch including a plurality of layers, wherein said plurality of layers are all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment for being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption” (emphasis added), as recited in amended claim 13.

Accordingly, Applicant respectfully submits that independent claim 13 is patentable over Moser. Likewise, claims 16, 17, 19, and 28, which depend, either directly or indirectly, from independent claim 13, are also patentable over Moser for the reasons discussed above plus the additional feature(s) they recite. Thus, claims 13, 16, 17, 19, and 28 are allowable and withdrawal of the rejection of these claims under 35 U.S.C. §102 is respectfully requested.

II. PRIOR ART REJECTIONS - 35 U.S.C. §103

A. CLAIM 20 IS PATENTABLE OVER MOSER IN VIEW OF MOTSENBOCKER

The Office Action rejected claim 20 under 35 U.S.C. §103(a) as being unpatentable over Moser in view of Motsenbocker (U.S. Patent No. 4,420,097, hereinafter

“Motsenbocker”). The Applicant traverses the rejection because the combined teachings of Moser and Motsenbocker fail to teach all of the features recited in the rejected claim.

For example, Moser fails to teach or suggest at least a hydration system, comprising “a flexible pouch including a plurality of layers, wherein said plurality of layers are all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment for being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption” (emphasis added), as recited in amended claim 13.

In contrast, Moser merely discloses a beverage container that includes a heat insulating outer envelope or jacket of a generally rectangular shape having an upper reclosable seam and a separate, unattached squeeze bottle that fits within the heat insulating outer jacket and acts as the actual beverage container.

The heat insulating outer jacket consists of an exterior covering made of a decorative outer sheet or cover and a moisture or waterproof inner lining. A layer of insulation (such as fiberglass batting, flexible foam products, or other known flexible insulators) is sandwiched between the decorative outer sheet and the waterproof inner lining. The three pieces, exterior cover, inner lining, and intermediate layer are joined together at the upper edge to function as a reclosable bag. (See Col. 2, lines 4-6 and Col. 3, lines 1-9 of Moser)

A reclosable seam is located at the upper end of the heat insulating outer jacket and may be selectively opened or closed by means of Velcro to receive a beverage containing bottle and ice therethrough. (See Col. 1, lines 37-64 and Fig. 2 of Moser)

A separate, unattached squeeze bottle acts as the actual beverage container of Moser. When the parts of the Moser beverage container are assembled, an elongated, flexible straw extends from within the bottle, through the cap of the squeeze bottle and outwardly through the seam of the container jacket. (See Col. 1, lines 37-64 and Fig. 2 of Moser)

Utilizing the beverage container of Moser, if a beverage is to be kept cold, the beverage must first be put in a separate bottle, the bottle must be placed within the jacket, and ice must be placed within the jacket, between the jacket and the bottle. (See Col. 2, lines 49-50 and Fig. 1 of Moser) Once the bottle and ice are within the jacket, the reclosable seam is closed, allowing the straw to extend through the reclosable seam.

Unfortunately, the reclosable seam “is not capable of being completely airtight”, but only prevents excessive loss of thermal effects. (See Col. 3, lines 9-15 of Moser) Thus, as

the ice within the jacket (between the jacket and the bottle) melts, the resulting liquid can leak from the reclosable seam of the Moser beverage container.

Thus, as disclosed in Moser, the exterior cover, inner lining, intermediate layer, and the bottle are not “all joined together to form an inner compartment and at least one outer compartment”, but form separate and distinct elements, a reclosable bag and a bottle.

Therefore, Moser actually teaches away from a hydration system, comprising “a flexible pouch including a plurality of layers, wherein said plurality of layers are all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment for being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption” (emphasis added), as recited in amended claim 13.

Furthermore, as indicated in the Office Action, Moser fails to teach or suggest a valve at said conduit outlet, as recited in claim 20.

The inclusion of Motsenbocker fails to overcome the deficiencies of Moser. Motsenbocker merely discloses a portable liquid dispenser with a carrying case that includes a liquid container “where means are provided for dispensing the liquid at a location remote from the container and where liquids can be cooled by an internal supply of ice without dilution of the liquid contents”. (See Col. 1, lines 43-45 of Motsenbocker)

Motsenbocker’s liquid container includes an internal compartment formed within the container. When cool liquids are carried in the Motsenbocker dispenser, an internal sack with a freezable liquid may be utilized to economically and efficiently provide the necessary cooling. (See Col. 2, lines 8-14 and Figs. 3 and 4 of Motsenbocker)

Furthermore, as disclosed in Motsenbocker, the compartment containing a freezable liquid is a completely sealed, separate compartment that is wholly housed within the liquid container. Because the liquid stored in the container is free to move within portions of the container, liquid can move back and forth across the surfaces of the internal compartment and therefore a direct heat transfer relationship is established whereby the liquid in the internal compartment cools the liquid in container. (See Col. 3, lines 23-33 of Motsenbocker)

In fact, the compartment containing the freezable liquid in Motsenbocker, because it is wholly housed within the liquid container, is actually robbing storage volume from the liquid container.

Thus, the teachings of Motsenbocker teach away from a hydration system, comprising “a flexible pouch including a plurality of layers, wherein said plurality of layers are all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment for being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption” (emphasis added), as recited in amended claim 13, and fail to overcome the deficiencies of Moser.

In fact, if the water dispenser of Moser were to be modified to include the device taught in Motsenbocker, the resulting water container would still include a separate compartment containing a freezable device that is wholly housed within the liquid container.

Since the teachings of Motsenbocker fail to overcome the deficiencies of Moser, the teachings of Moser and Motsenbocker, either alone or in combination, fail to teach or suggest (and actually teach away from) a hydration system, comprising “a flexible pouch including a plurality of layers, wherein said plurality of layers are all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment for being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption” (emphasis added), as recited in amended claim 13.

Therefore, Applicant respectfully submits that independent claim 13 is patentable over Moser in view of Motsenbocker. Likewise, dependent claim 20 is also patentable over Moser in view of Motsenbocker by virtue of its direct dependence from claim 13, for the reasons discussed above, and for the additional feature(s) it recites. Thus, claim 20 is allowable and withdrawal of the rejection of this claim under 35 U.S.C. §103 is respectfully requested.

**B. CLAIMS 13, 15-17, 19-21, AND 27 ARE PATENTABLE OVER MOTSENBOCKER
IN VIEW OF PADAMSEE**

The Office Action rejected claims 13, 15-17, 19-21, and 27 under 35 U.S.C. §103(a) as being unpatentable over Motsenbocker in view of Padamsee (U.S. Patent No. 5,398,848, hereinafter “Padamsee”). The Applicant traverses the rejection because the combined

teachings of Motsenbocker and Padamsee fail to teach all of the features recited in the rejected claims.

For example, as discussed above, Motsenbocker fails to teach or suggest at least a hydration system, comprising “a flexible pouch including a plurality of layers, wherein said plurality of layers are all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment for being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption” (emphasis added), as recited in amended claim 13.

In contrast, Motsenbocker merely discloses a portable liquid dispenser with a carrying case that includes a liquid container “where means are provided for dispensing the liquid at a location remote from the container and where liquids can be cooled by an internal supply of ice without dilution of the liquid contents”. (See Col. 1, lines 43-45 of Motsenbocker)

Motsenbocker’s liquid container includes an internal compartment formed within the container. When cool liquids are carried in the Motsenbocker dispenser, an internal sack with a freezable liquid may be utilized to economically and efficiently provide the necessary cooling. (See Col. 2, lines 8-14 and Figs. 3 and 4 of Motsenbocker)

Furthermore, as disclosed in Motsenbocker, the compartment containing a freezable liquid is a completely sealed, separate compartment that is wholly housed within the liquid container. Because the liquid stored in the container is free to move within portions of the container, liquid can move back and forth across the surfaces of the internal compartment and therefore a direct heat transfer relationship is established whereby the liquid in the internal compartment cools the liquid in container. (See Col. 3, lines 23-33 of Motsenbocker)

In fact, the compartment containing the freezable liquid in Motsenbocker, because it is wholly housed within the liquid container, is actually robbing storage volume from the liquid container.

Furthermore, as indicated in the Office Action, Motsenbocker fails to teach or suggest a gel thermal capacitance medium in the at least one outer compartment.

Thus, Motsenbocker fails to teach the claimed subject matter of amended claim 13 and actually teaches away from a hydration system, comprising “a flexible pouch including a plurality of layers, wherein said plurality of layers are all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment for

being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption” (emphasis added), as recited in amended claim 13.

The inclusion of Padamsee fails to overcome the deficiencies of Motsenbocker. Padamsee merely discloses a portable liquid container comprising a non-rigid pouch of textile material and a compressible liquid containment portion having a pair of opposing rigid walls connected to each other by a second pair of resilient, collapsible bellows-type side walls. The portable liquid container of Padamsee also includes at least one opening that allows a freezable pack to be inserted between the wall of the flexible pouch and the rigid wall of the liquid containment portion to regulate the temperature of the contents of the liquid containment portion. (See Abstract and Col. 4, lines 44-63 of Padamsee)

As further described in Padamsee, one of the objects of the portable liquid container is to provide a portable liquid container that allows squeezing so as to eject its contents through a nozzle in the form of a jet, directly into the user's mouth, allowing hygienic use by several users, and allowing non-contact drinking against gravity. (See Col. 2, lines 17-24 of Padamsee)

Thus, the teachings of Padamsee teach away from a hydration system, comprising “a flexible pouch including a plurality of layers, wherein said plurality of layers are all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment for being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption” (emphasis added), as recited in amended claim 13, and fail to overcome the deficiencies of Motsenbocker.

In fact, if the water dispenser of Motsenbocker were to be modified to include the device taught in Padamsee, the resulting water container would still include a separate compartment containing a freezable device that is wholly housed within the liquid container.

Furthermore, the specific teachings of Padamsee teach away from a combination of the water dispenser of Motsenbocker and the liquid container of Padamsee. Padamsee clearly states that the water dispenser of Motsenbocker only allows liquid to be discharged by gravity flow. This clearly contradicts one of the stated objects of the Padamsee portable liquid container. (See Col. 1, lines 40-47 and Col. 2, lines 17-24 of Padamsee)

Since the teachings of Padamsee fail to overcome the deficiencies of Motsenbocker, the teachings of Motsenbocker and Padamsee, either alone or in combination, fail to teach or suggest (and actually teach away from) a hydration system, comprising “a flexible pouch including a plurality of layers, wherein said plurality of layers are all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment for being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption” (emphasis added), as recited in amended claim 13.

Therefore, Applicant respectfully submits that independent claim 13 is patentable over Motsenbocker in view of Padamsee. Likewise, dependent claims 15-17, 19-21, and 27 are also patentable over Motsenbocker in view of Padamsee by virtue of their direct dependence from claim 13, for the reasons discussed above, and for the additional feature(s) it recites. Thus, claims 13, 15-17, 19-21, and 27 is allowable and withdrawal of the rejection of this claim under 35 U.S.C. §103 is respectfully requested.

C. CLAIM 22 IS PATENTABLE OVER MOTSENBOCKER IN VIEW OF PADAMSEE

The Office Action rejected claim 22 under 35 U.S.C. §103(a) as being unpatentable over Motsenbocker in view of Padamsee (U.S. Patent No. 5,398,848, hereinafter “Padamsee”). The Applicant traverses the rejection because the combined teachings of Motsenbocker and Padamsee fail to teach all of the features recited in the rejected claim.

For example, Motsenbocker fails to teach or suggest at least a hydration system, comprising “a flexible pouch including a plurality of layers, said plurality of layers being all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer; a conduit having an inlet and an outlet; and a pack including a housing portion and straps, wherein said inner compartment is for being filled with a drinking fluid, wherein said at least one outer compartment is at least partially filled with a thermal capacitance medium, wherein said conduit inlet is in fluid communication with said compartment for drinking fluid, and said outlet is capped by a valve, said valve being a bite-valve articulable by the jaws of a user, wherein said drinking fluid compartment is in fluid communication with a sealable opening for filling said drinking fluid compartment, and wherein said flexible pouch is receivable within said housing portion of said pack” (emphasis added), as recited in amended

claim 22.

In contrast, Motsenbocker merely discloses a portable liquid dispenser with a carrying case that includes a liquid container “where means are provided for dispensing the liquid at a location remote from the container and where liquids can be cooled by an internal supply of ice without dilution of the liquid contents”. (See Col. 1, lines 43-45 of Motsenbocker)

Motsenbocker’s liquid container includes an internal compartment formed within the container. When cool liquids are carried in the Motsenbocker dispenser, an internal sack with a freezable liquid may be utilized to economically and efficiently provide the necessary cooling. (See Col. 2, lines 8-14 and Figs. 3 and 4 of Motsenbocker)

Furthermore, as disclosed in Motsenbocker, the compartment containing a freezable liquid is a completely sealed, separate compartment that is wholly housed within the liquid container. Because the liquid stored in the container is free to move within portions of the container, liquid can move back and forth across the surfaces of the internal compartment and therefore a direct heat transfer relationship is established whereby the liquid in the internal compartment cools the liquid in container. (See Col. 3, lines 23-33 of Motsenbocker)

In fact, the compartment containing the freezable liquid in Motsenbocker, because it is wholly housed within the liquid container, is actually robbing storage volume from the liquid container.

Furthermore, as indicated in the Office Action, Motsenbocker fails to teach or suggest a gel thermal capacitance medium in the at least one outer compartment.

Thus, Motsenbocker fails to teach the claimed subject matter of claim 22 and actually teaches away from a hydration system, comprising “a flexible pouch including a plurality of layers, said plurality of layers being all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer; a conduit having an inlet and an outlet; and a pack including a housing portion and straps, wherein said inner compartment is for being filled with a drinking fluid, wherein said at least one outer compartment is at least partially filled with a thermal capacitance medium, wherein said conduit inlet is in fluid communication with said compartment for drinking fluid, and said outlet is capped by a valve, said valve being a bite-valve articulable by the jaws of a user, wherein said drinking fluid compartment is in fluid communication with a sealable opening for filling said drinking fluid compartment, and wherein said flexible pouch is receivable within said housing portion of said pack” (emphasis added), as recited in amended claim 22.

The inclusion of Padamsee The inclusion of Padamsee fails to overcome the deficiencies of Motsenbocker. Padamsee merely discloses a portable liquid container comprising a non-rigid pouch of textile material and a compressible liquid containment portion having a pair of opposing rigid walls connected to each other by a second pair of resilient, collapsible bellows-type side walls. The portable liquid container of Padamsee also includes at least one opening that allows a freezable pack to be inserted between the wall of the flexible pouch and the rigid wall of the liquid containment portion to regulate the temperature of the contents of the liquid containment portion. (See Abstract and Col. 4, lines 44-63 of Padamsee)

As further described in Padamsee, one of the objects of the portable liquid container is to provide a portable liquid container that allows squeezing so as to eject its contents through a nozzle in the form of a jet, directly into the user's mouth, allowing hygienic use by several users, and allowing non-contact drinking against gravity. (See Col. 2, lines 17-24 of Padamsee)

Thus, the teachings of Padamsee teach away from a hydration system, comprising “a flexible pouch including a plurality of layers, said plurality of layers being all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer; a conduit having an inlet and an outlet; and a pack including a housing portion and straps, wherein said inner compartment is for being filled with a drinking fluid, wherein said at least one outer compartment is at least partially filled with a thermal capacitance medium, wherein said conduit inlet is in fluid communication with said compartment for drinking fluid, and said outlet is capped by a valve, said valve being a bite-valve articulable by the jaws of a user, wherein said drinking fluid compartment is in fluid communication with a sealable opening for filling said drinking fluid compartment, and wherein said flexible pouch is receivable within said housing portion of said pack” (emphasis added), as recited in amended claim 22, and fail to overcome the deficiencies of Motsenbocker.

In fact, if the water dispenser of Motsenbocker were to be modified to include the device taught in Padamsee, the resulting water container would still include a separate compartment containing a freezable device that is wholly housed within the liquid container.

Furthermore, the specific teachings of Padamsee teach away from a combination of the water dispenser of Motsenbocker and the liquid container of Padamsee. Padamsee clearly states that the water dispenser of Motsenbocker only allows liquid to be discharged by gravity

flow. This clearly contradicts one of the stated objects of the Padamsee portable liquid container. (See Col. 1, lines 40-47 and Col. 2, lines 17-24 of Padamsee)

Since the teachings of Padamsee fail to overcome the deficiencies of Motsenbocker, the teachings of Motsenbocker and Padamsee, either alone or in combination, fail to teach or suggest (and actually teach away from) a hydration system, comprising “a flexible pouch including a plurality of layers, said plurality of layers being all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer; a conduit having an inlet and an outlet; and a pack including a housing portion and straps, wherein said inner compartment is for being filled with a drinking fluid, wherein said at least one outer compartment is at least partially filled with a thermal capacitance medium, wherein said conduit inlet is in fluid communication with said compartment for drinking fluid, and said outlet is capped by a valve, said valve being a bite-valve articulable by the jaws of a user, wherein said drinking fluid compartment is in fluid communication with a sealable opening for filling said drinking fluid compartment, and wherein said flexible pouch is receivable within said housing portion of said pack” (emphasis added), as recited in amended claim 22.

Therefore, Applicant respectfully submits that independent claim 22 is patentable over Motsenbocker in view of Padamsee. Thus, claim 22 is allowable and withdrawal of the rejection of this claim under 35 U.S.C. §103 is respectfully requested.

**D. CLAIM 18 IS PATENTABLE OVER MOTSENBOCKER IN VIEW OF PADAMSEE
AND FURTHER IN VIEW OF VAN TURNHOUT**

The Office Action rejected claim 18 under 35 U.S.C. §103(a) as being unpatentable over Motsenbocker in view of Padamsee and further in view of Van Turnhout (U.S. Patent No. 6,044,201, hereinafter “Van Turnhout”). The Applicant traverses the rejection because the combined teachings of Motsenbocker, Padamsee, and/or Van Turnhout fail to teach all of the features recited in the rejected claim.

For example, Motsenbocker fails to teach or suggest at least a hydration system, comprising “a flexible pouch including a plurality of layers, wherein said plurality of layers are all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment for being at least partially filled with a thermal

capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption” (emphasis added), as recited in amended claim 13.

In contrast, Motsenbocker merely discloses a portable liquid dispenser with a carrying case that includes a liquid container “where means are provided for dispensing the liquid at a location remote from the container and where liquids can be cooled by an internal supply of ice without dilution of the liquid contents”. (See Col. 1, lines 43-45 of Motsenbocker)

Motsenbocker’s liquid container includes an internal compartment formed within the container. When cool liquids are carried in the Motsenbocker dispenser, an internal sack with a freezable liquid may be utilized to economically and efficiently provide the necessary cooling. (See Col. 2, lines 8-14 and Figs. 3 and 4 of Motsenbocker)

Furthermore, as disclosed in Motsenbocker, the compartment containing a freezable liquid is a completely sealed, separate compartment that is wholly housed within the liquid container. Because the liquid stored in the container is free to move within portions of the container, liquid can move back and forth across the surfaces of the internal compartment and therefore a direct heat transfer relationship is established whereby the liquid in the internal compartment cools the liquid in container. (See Col. 3, lines 23-33 of Motsenbocker)

In fact, the compartment containing the freezable liquid in Motsenbocker, because it is wholly housed within the liquid container, is actually robbing storage volume from the liquid container.

Furthermore, as indicated in the Office Action, Motsenbocker fails to teach or suggest a gel thermal capacitance medium that acts as both a cooling and heating medium.

Thus, Motsenbocker fails to teach the claimed subject matter of original claim 13 and actually teaches away from a hydration system, comprising “a flexible pouch including a plurality of layers, wherein said plurality of layers are all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment for being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption” (emphasis added), as recited in amended claim 13.

As discussed above, the inclusion of Padamsee fails to overcome the deficiencies of Motsenbocker. Padamsee merely discloses a portable liquid container comprising a non-rigid pouch of textile material and a compressible liquid containment portion having a pair of opposing rigid walls connected to each other by a second pair of resilient, collapsible

bellows-type side walls. The portable liquid container of Padamsee also includes at least one opening that allows a freezable pack to be inserted between the wall of the flexible pouch and the rigid wall of the liquid containment portion to regulate the temperature of the contents of the liquid containment portion. (See Abstract and Col. 4, lines 44-63 of Padamsee)

As further described in Padamsee, one of the objects of the portable liquid container is to provide a portable liquid container that allows squeezing so as to eject its contents through a nozzle in the form of a jet, directly into the user's mouth, allowing hygienic use by several users, and allowing non-contact drinking against gravity. (See Col. 2, lines 17-24 of Padamsee)

Thus, the teachings of Padamsee teach away from a hydration system, comprising “a flexible pouch including a plurality of layers, wherein said plurality of layers are all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment for being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption” (emphasis added), as recited in amended claim 13, and fail to overcome the deficiencies of Motsenbocker.

In fact, if the water dispenser of Motsenbocker were to be modified to include the device taught in Padamsee, the resulting water container would still include a separate compartment containing a freezable device that is wholly housed within the liquid container.

Furthermore, the specific teachings of Padamsee teach away from a combination of the water dispenser of Motsenbocker and the liquid container of Padamsee. Padamsee clearly states that the water dispenser of Motsenbocker only allows liquid to be discharged by gravity flow. This clearly contradicts one of the stated objects of the Padamsee portable liquid container. (See Col. 1, lines 40-47 and Col. 2, lines 17-24 of Padamsee)

Since the teachings of Padamsee fail to overcome the deficiencies of Motsenbocker, the teachings of Motsenbocker and Padamsee, either alone or in combination, fail to teach or suggest (and actually teach away from) a hydration system, comprising “a flexible pouch including a plurality of layers, wherein said plurality of layers are all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment for being at least partially filled with a thermal capacitance medium, and the at

least one inner compartment for being filled with a liquid for consumption” (emphasis added), as recited in amended claim 13.

The inclusion of Van Turnhout fails to overcome the deficiencies of Motsenbocker and/or Padamsee. Van Turnhout merely discloses a device for storing and gradually dispensing heat or cold, which includes a container having a partially heat-conducting wall enclosing a space with material having a high heat capacity including a semisolid hydrogel formed by a crosslinked hydrophilic polymer containing 90-99.5% of water, based on the sum of polymer and water. (See Abstract of Van Turnhout)

As further described in Van Turnhout, the device can be used for the purpose of keeping parts of the human or animal body warm, in the form of a bottle, cylinder, blanket, or bed. The device may also serve as a heat source for other materials, such as hair (rollers), food, plates (catering), and the like. The Van Turnhout device can be used not only as a chargeable source of heat but also as a source of cold, for example to be used for cooling drinks or other comestibles, or for medical applications. Cool-down can, for example, be effected in a freezer compartment. The device may have various forms such as a cylinder, block, plate and the like and hold varying capacities. (See Col. 4, Lines 5-20 of Van Turnhout)

Thus, the teachings of Van Turnhout teach away from a hydration system, comprising “a flexible pouch including a plurality of layers, wherein said plurality of layers are all joined together to form an inner compartment and at least one outer compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment for being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption” (emphasis added), as recited in amended claim 13, and fail to overcome the deficiencies of Motsenbocker.

In fact, if the water dispenser of Motsenbocker were to be modified to include the device taught in Van Turnhout, the resulting water container would still include a separate compartment containing a freezable device that is wholly housed within the liquid container.

Since the teachings of Padamsee and Van Turnhout fail to overcome the deficiencies of Motsenbocker, the teachings of Motsenbocker, Padamsee, and/or Van Turnhout, either alone or in combination, fail to teach or suggest (and actually teach away from) a hydration system, comprising “a flexible pouch including a plurality of layers, wherein said plurality of layers are all joined together to form an inner compartment and at least one outer

compartment, wherein said inner compartment and said at least one outer compartment share a common layer, said at least one outer compartment for being at least partially filled with a thermal capacitance medium, and the at least one inner compartment for being filled with a liquid for consumption” (emphasis added), as recited in amended claim 13.

Therefore, Applicant respectfully submits that independent claim 13 is patentable over Motsenbocker in view of Van Turnhout. Likewise, dependent claim 18 is also patentable over Motsenbocker in view of Van Turnhout by virtue of its direct dependence from claim 13, for the reasons discussed above, and for the additional feature(s) it recites. Thus, claim 18 is allowable and withdrawal of the rejection of this claim under 35 U.S.C. §103 is respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully submits that claims 13, 15-22, and 27-28 are directed to allowable subject matter and that the application is in condition for allowance. Accordingly, prompt reconsideration and allowance of the application with these claims is respectfully requested.

However, if the Examiner believes there is anything further necessary to place this application in better condition for allowance, Applicant requests the Examiner telephone Applicant's undersigned representative at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter A. Shaddock II", is written over a horizontal line.

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